

United States Attorney
Southern District of New York

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The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

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September 6, 2019

Via ECF and E-Mail

The Honorable Colleen McMahon
Chief United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

9/6/2019
The Government may have its 30 days-
No more. The Court will decide the
motion in October.

Re: United States v. Samuel Israel III, 05 Cr. 1039 (CM)

Dear Judge McMahon:

We are writing in response to counsel's letter, dated September 5, 2019, objecting to the Government's request for 30 additional days in which to respond to the defendant's pending motion for a reduction in sentence. As the Court is aware, the defendant filed his motion in May 2019. The parties initially agreed that the Government's response to the motion would be submitted by Friday, September 6, 2019, and proposed that schedule to the Court. The Court accepted the proposed schedule. This is the first adjournment request made by the Government.

The Government first reached out to defense counsel on Saturday, August 31, to request the defendant's consent to the adjournment. Counsel indicated that he would speak with his client, and get back to the Government no later than Tuesday, September 3. Having received no response from defense counsel by the end of the day on September 3, the Government filed its request with the Court. Defense counsel did not lodge his objection to the request until late in the day on Thursday, September 5.

While the Government is certainly aware, through the defendant's submission, of the seriousness of the defendant's medical conditions, the medical records submitted in support of the defendant's motion are historical, not recent, records. For instance, the Bureau of Prisons Health Services form that the defendant submitted in connection with his motion as part of Exhibit A is from July 2017. Accordingly, in order for the Government to fully evaluate its position on the pending motion, the Government is working to obtain additional information regarding the defendant's current medical condition, among other information from the Bureau of Prisons. In addition, as the Government indicated in its prior letter, the additional time would allow the continuation of the Government's internal processes in connection with the pending motion.

Should the Court grant the requested adjournment, the Government will endeavor to file its response in advance of the deadline set by the Court, as soon as it is able to do so. Thank you for your consideration of this matter.

Respectfully Submitted,

GEOFFREY S. BERMAN
United States Attorney

by: /s/ Sarah Krissoff
Sarah Krissoff / Margery Feinzig
Assistant United States Attorney
(212) 637-2232 / 914-993-1903

cc: Karloff Commissiong, Esq. (counsel for Samuel Israel III)